

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

JOSEPH BOOKER,

Plaintiff,

vs.

OFFICER S. LASHBROOK, et al.,

Defendants.

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No. 2:12-cv-0212-JMS-WGH

Entry and Notice

Generally, an appeal may not be taken in a civil case until a final judgment disposing of all claims against all parties is entered on the district court's civil docket pursuant to Fed.R.Civ. P. 58. *See Cleaver v. Elias*, 852 F.2d 266 (7th Cir. 1988). "Non-final orders or decrees are not appealable as a matter of right"; interlocutory appeal is an extraordinary remedy. *Coopers & Lybrand v. Livesay*, 437 U.S. 463, 474 (1978) (citing 28 U.S.C. § 1292(b)).

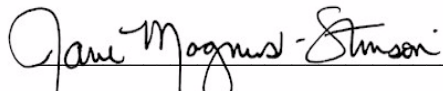
The motion for notice of appeal is understood to be the plaintiff's request for the certification needed to pursue an interlocutory appeal from the ruling of July 30, 2012.

A district court judge may, in its discretion, certify a question for interlocutory appeal where: (1) the order "involves a controlling question of law"; (2) there is "substantial ground for difference of opinion"; and (3) immediate appeal "may materially advance the ultimate termination of the litigation." 28 U.S.C. § 1292(b). "For the doctrine to apply, the challenged order must: (1) conclusively determine the disputed question; (2) resolve an important issue completely separate from the merits of the underlying action; and (3) be effectively unreviewable from a final judgment." *Coopers and Lybrand*, 437 U.S. at 468. All three elements must be satisfied for certification. *Firestone Tire & Rubber Co. v. Risjord*, 449 U.S. 368, 376 (1981).

Here, no final judgment has been entered. No order which is otherwise appealable has been entered. The plaintiff seeks to appeal, but has not addressed the criteria in § 1292(b). The motion for notice of appeal [7] is therefore **denied**.

IT IS SO ORDERED.

Date: 08/21/2012


Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

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